

R E M A R K S

Rejection of Claims 14-19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over US 2001/0023197 (Shibata) in view of EP 1222971 (Noro), and further in view of US 2004/0179710 (Farinelli)

The prior art references when combined do not teach or suggest all of the claim limitations. Pages 3-4 of the Office Action note that neither Shibata nor Noro disclose “an ambulation system comprising a first electromechanical ambulation mechanism having a first foot extending through a first opening in the housing for making contact with an external surface on which the handheld audio device is placed” as recited by independent claim 14 and looks to Farinelli for teaching this limitation. Farinelli teaches “a speaker system includes mounting hardware and audio components with a fastening arrangement that facilitates the fastening of the mounting hardware to a structure and the audio components to the mounting hardware.” See Farinelli Abstract. The Office Action goes on to mention that “a first electromechanical ambulation mechanism” of claim 14 corresponds to Farinelli’s speaker (presumably the baffle 102 of Farinelli which includes one or more speaker cones). See Farinelli paragraph [0026].

“Ambulate” is defined by the American Heritage Dictionary of the English Language, Fourth Edition 2004 as “to walk from place to place; move about.” Applicants mentions that “the ambulation mechanisms enable the device to move (translate, rotate or execute compound movements) on a surface on which the device is placed.” See specification page 5 line 26- page 6 line 2. Farinelli’s speaker does not correspond to the “ambulation mechanism” of the claims because the speaker does not enable any device to move (ambulate). Although a speaker cone vibrates to produce sound, it does not move (ambulate). Moreover, the Office Action equates “a first foot” of claim 14 to Farinelli’s screw 106. Farinelli’s screw 106 is used for mounting the speaker on a wall or ceiling and actually teaches away from an “ambulation mechanism” as recited in claim 14.

Next, there is no reasonable expectation of success when combining the cited references. Mounting a speaker, in accordance with Farinelli, of a portable electronic device such as the ones shown in Shibata and Noro make the devices no longer portable. Also, affixing the speaker 110 of Shibata to a wall or ceiling, according to the teachings of Farinelli, will destroy any vibrational effect of Shibata and Noro.

Because neither Shibata, Noro, nor Farinelli show or suggest “an ambulation system comprising a first electromechanical ambulation mechanism having a first foot extending through a first opening in the housing for making contact with an external surface on which the handheld audio device is placed” as recited in independent claim 14, claim 14 is not unpatentable in view of Shibata, Noro, and Farinelli. Claims 15-19 and 22 depend directly upon claim 14 and thus are also not unpatentable in view of Shibata, Noro, and Farinelli.

Reconsideration and withdrawal of the rejection of claims 14-19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Shibata, Noro, and Farinelli is respectfully requested.

S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or

suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117.**

Respectfully submitted,

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